

**REMARKS**

Favorable reconsideration and allowance of the subject application are respectfully requested in view of the following remarks.

**Summary of the Office Action**

The Final Office Action rejects claims 1, 2, 5, 6, 8, 12-16, 18, 20, 22 and 24 under 35 U.S.C. §102(b) as being anticipated by *Fernando et al.* ("Fade and Dissolve Detection in Uncompressed and Compressed Video Sequences," Image Processing, 1999, IEEE, pp.299-303, October 28, 1999).

The Final Office Action also rejects claims 7 and 11 under 35 U.S.C. §103(a) as being unpatentable over *Fernando et al.* in view of *Legall et al.* (U.S. Patent No. 5,872,598).

The Final Office Action indicates that the previous objections to the title and the claims have now been withdrawn in response to the Amendment filed on June 4, 2004.

Moreover, the Final Office Action indicates that claims 3, 4, 9, 10, 17, 19, 21 and 23, while objected to as being dependent upon a rejected base claim, would be allowable if rewritten in independent form.

**Summary of the Response to the Office Action**

Applicant amends claims 1, 7, 13, and 15 to incorporate the allowable limitations of dependent claims 17, 19, 21 and 23, respectively. Accordingly, dependent claims 17, 19, 21 and 23 are canceled without prejudice or disclaimer.

**All Claims Are Now In Condition For Allowance**

Claims 1, 2, 5, 6, 8, 12-16, 18, 20, 22 and 24 stand rejected under 35 U.S.C. §102(b) as being anticipated by *Fernando et al.* Claims 7 and 11 stand rejected under 35 U.S.C. §103(a) as being unpatentable over *Fernando et al.* in view of *Legall et al.*

In the Amendment filed on June 4, 2004, Applicants explained that, as discussed, for example, at page 12, lines 17-25 of the instant application's specification, “[t]he intra-field dispersion value used here denotes a difference between luminance in each pixel contained in each of two field images configuring one frame image and an average value of the luminance in one field image. In other words, this value denotes a value indicating how much scatter (dispersion) in luminance occurs in each pixel in one field image. When the intra-field dispersion value in a field image is high, there is full of variety in the field image relevant to luminance. When the intra-field dispersion value in a field image is low, it is apparent that the field image is a monotonous one with poor variation.”

The Examiner responds to these arguments at page 2 of the Final Office Action by alleging that the specific features referred to in the foregoing paragraph are not currently recited in independent claims 1, 7, 13 and 15. The Examiner goes on to allege that “it is noted that the claims including this limitations have been objected (claims 17, 19, 21 and 23) and would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.”

Accordingly, Applicants have decided to adopt the Examiner's suggestion by amending each of independent claims 1, 7, 13 and 15 to include the allowable features of claims 17, 19, 21 and 23, respectively. Accordingly, the outstanding rejections under 35 U.S.C. §§ 102(b) and 103(a) have been rendered moot and withdrawal of these outstanding rejections is respectfully

requested. Because independent claims 1, 7, 13, and 15 have been newly-amended to incorporate the allowable limitations of dependent claims 17, 19, 21 and 23, respectively, dependent claims 17, 19, 21 and 23 are canceled without prejudice or disclaimer. Applicant respectfully submits that the remaining dependent claims are in condition for allowance for at least the same reasons as their respective independent claims 1, 7, 13 or 15. Withdrawal of all outstanding claim rejections and objections is thus respectfully requested as all remaining claims are now in *prima facie* condition for allowance.

**Request that the Examiner Acknowledge Priority Issues**

Applicant filed the certified copy of the priority document for the present application (Japanese Patent Application P2000-102188) with the previous response on June 4, 2004. However, the Examiner has not yet acknowledged receipt of the certified copy. **Accordingly, Applicant respectfully requests that such acknowledgement be provided by the Examiner in the next Office communication.**

**CONCLUSION**

In view of the foregoing remarks, Applicant respectfully requests the entry of the Amendments to place the application in clear condition for allowance or, in the alternative, in better form for appeal. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite the prosecution.

**EXCEPT** for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §§ 1.16 and 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. § 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

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